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IN THE MEDIA

Rothstein Discusses Aqua Dots Products Liability Litigation

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Litigation partner Ronald Rothstein, based in Winston & Strawn's Chicago office, was quoted in various media sources, including *BNA Class Action Litigation Report*, *Law360* and the *Chicago Daily Law Bulletin*, regarding *In the Matter of Aqua Dots Products Liability Litigation*.

On August 17, 2011, the U.S. Court of Appeals for the Seventh Circuit concluded that the lower court came to the correct decision to deny class certification, but based their conclusion on the wrong reasoning. Chief Judge Frank H. Easterbrook, writing for a three-judge panel, wrote that the district court should have looked to Rule 23(a)(4), which states that a court may certify a class action only if "the representative parties will fairly and adequately protect the interests of the class."

Rothstein, who argued the appeal for all defendants – Spin Master Inc., Spin Master Ltd., Moose Enterprise Party Ltd., Target Corp., Toys "R" Us and Wal-Mart Corp. – told *BNA* that this was a very important decision for the myriad of recall consumer class actions that have been brought recently and agreed that it may be the first decision to rely on this analysis in the recall context.

"In situations where there is an effective recall that provides an appropriate remedy, courts can now look to Rule 23(a)(4) to dispose of the request for class certification because the interest of the class representative is antagonistic to the class members," Rothstein stated.

Rothstein argued the appeal for defendants Spin Master Inc., Spin Master Ltd., Moose Enterprise Party Ltd., Target Corp., Toys "R" Us and Wal-Mart Corp., with the assistance of attorneys Bryna Dahlin and William Ferranti.

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